



Federal Communications Commission FCC 02-231

**Before the
Federal Communications Commission
Washington, D.C. 20554
In the Matter of)**

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Digital Broadcast Copy Protection) MB Docket No. 02-230
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**Joint Response of the American Conservative Union
and 60 Plus Association, Capital Research Center, Citizens United, The Conservative Party
of New York State, The Patrick Henry Center for Individual Liberty, and Shirley &
Banister Public Affairs to Notice of Proposed Rulemaking Dated August 9, 2002**

The American Conservative Union, and the other free-market, conservative organizations that have signed this response would like to thank the commissioners for this opportunity for public comment regarding the matter of digital broadcast copy protection.

Property rights truly are the glue that holds together both our capitalist system and the individual freedoms that derive from them. Collectively, we support property rights and oppose government mandates as a matter of principle. ACU and many of the undersigned organizations opposed the date certain mandate on broadcasters to switch from analogue broadcasts to unencrypted digital broadcasts. We still believe that this is an unfunded mandate that harms consumers and threatens the intellectual property rights of the broadcasters.

Clearly, as a result of the new mandate, the threat of widespread piracy of broadcast content will increase substantially as broadcasters are required to convert their signals from an analog format to an unencrypted digital format. It is unreasonable to expect that anyone would make his or her intellectual property universally available in a manner where it cannot be protected. We support efforts to devise means to protect the intellectual property rights of broadcasters and television production studios in a manner that would enhance digital broadcast copyright protection.

We are especially supportive of proposals to utilize technology to solve these problems privately. "Turning rampant piracy into rewarding business," as one innovator put it, is by far the best solution. As he noted, both cable and satellite television and DVD became profitable only

when encryption technology developed sufficiently to protect the rich artistic product of potential providers. The same is possible today for broadcast digital copy protection. For example, we have been advised that inserting a single digital bit that licensed broadcasters could optionally embed in a television program to protect unauthorized redistribution could resolve this issue in a manner that ensures that copyrights are protected in a manner that would not adversely affect broadcast quality.

While the undersigned groups generally oppose expanding the role of government and prefer a private resolution, we believe that ensuring individuals and corporations have the ability to protect their private property is an appropriate role for government. We also believe that consumers' rights should and can be protected as an aspect of property rights protection. Given the fact that this is a problem created by the law itself, the American Conservative Union and the undersigned groups support efforts to provide a solution that protects intellectual and other property rights, the rights of consumers and overall market competition.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Keene".

David A. Keene
Chairman
American Conservative Union

A handwritten signature in black ink, appearing to read "James L. Martin".

James L. Martin
60 Plus Association

Terrence Scanlon
Capital Research Center

A handwritten signature in black ink, appearing to read "David M. Bossie".

David Bossie
Citizens United

A handwritten signature in black ink, appearing to read "Michael R. Long". The signature is fluid and cursive, with a large, stylized "L" at the end.

Michael R. Long
The Conservative Party of New York State

A handwritten signature in black ink, appearing to read "Gary W. Aldrich". The signature is cursive and somewhat stylized, with a large "A" and "L".

Gary Aldrich
Patrick Henry Center for Individual Liberty

A handwritten signature in black ink, appearing to read "Craig Shirley". The signature is cursive and stylized, with a large "S" and "H".

Craig Shirley
Shirley & Banister Public Affairs